

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-06007-01/03-CR-SJ-HFS

JOSHUA HOWLAND (01),

THOMAS DAVIS MOORE, JR. (02),

RYAN NEAL MONTGOMERY (03),

Defendants.

**MOTION TO TRANSFER AND NOTICE  
OF RELATED CASES PURSUANT TO LOCAL RULE 83.9**

Comes now the United States of America, by and through its undersigned counsel, and hereby notifies the Court that the above-captioned case is a related case to *United States v. Clint Robert Schram*, Case No. 20-06002-01-CR-DGK, and accordingly, pursuant to Local Rule 83.9, requests that both cases be assigned to the district court judge with the lowest case number. The United States offers the following suggestions in support of the motion.

1. On July 21, 2020, a multi-count conspiracy indictment against a single defendant was returned by a federal grand jury and the case was assigned to United States District Court Judge David G. Kays. *United States v. Clint Robert Schram*, Case No. 20-06002-01-CR-DGK. Counts Two, Four, Six, and Eight of that indictment alleged that the defendant and other unnamed persons conspired with each other to Advertise Child Pornography in violation of 18 U.S.C. §§ 2251(d) and (e).

2. On November 3, 2020, a federal grand jury returned an indictment against Joshua Howland, Thomas Davis Moore, Jr., and Ryan Neal Montgomery in Case No. 20-06007-01/03-CR-HFS. The two count indictment alleges that Joshua Howland, et.al., conspired with each other and other unnamed persons to Advertise Child Pornography in violation of 18 U.S.C. §§ 2251(d) and (e), and to Distribute and Receive Child Pornography in violation of 18 U.S.C. §§ 2252A(a)(2) and (b)(1).

3. The criminal cases filed against Clint Robert Schram and Joshua Howland, et. al., arise out of the same facts, i.e., they are all co-conspirators in a conspiracy to advertise child pornography and distribute and receive child pornography over the Internet during the same time period in Kansas City, Missouri, within the Western District of Missouri and elsewhere. The defendants are each charged with conduct on the same website, referred to as “Website A” in both indictments. Additionally, both cases were investigated contemporaneously as part of a coordinated multijurisdictional investigation. Because the cases arise out of similar facts and one investigation, they cannot be easily separated. Moreover, much of the discovery will overlap and much of the evidence used to prosecute one case will be used to prosecute the other.

4. In the interest of promoting judicial economy and efficiency, the United States respectfully suggests that the criminal proceedings for these related criminal cases should be presided over by a single District Court Judge. Having a single judge preside over related cases is a more efficient use of judicial resources since only one judge needs to acquire a familiarity with the relevant facts and issues of law. When related cases are filed, the judge who presides over the first filed case should preside over the later filed cases.<sup>1</sup>

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<sup>1</sup>See Local Civil Rule 83.9, which states a preference for related cases to be heard by the judge assigned to the lowest numbered or first filed case.

WHEREFORE, the United States respectfully moves for an order transferring the above-captioned matter to the Honorable David G. Kays, the District Court Judge, who has the lowest numbered or first filed of these related cases.

Respectfully submitted,

Timothy A. Garrison  
United States Attorney

By /s/Alison D. Dunning

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was delivered on December 4, 2020, to the Electronic Filing System (CM/ECF) of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/Alison D. Dunning  
Alison D. Dunning  
Assistant United States Attorney